

ESTTA Tracking number: **ESTTA704120**

Filing date: **10/23/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222454
Party	Defendant Vita Enrollment Solutions, LLC dba Evolve Benefits
Correspondence Address	JACKSON MACDONALD BREANLAW LLC PO BOX 4120, ECM #72065 PORTLAND, OR 97208 UNITED STATES tmsupport@breanlaw.com, luke@breanlaw.com, jackson@breanlaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	Jackson MacDonald
Filer's e-mail	tmsupport@breanlaw.com
Signature	/JMD/
Date	10/23/2015
Attachments	RequestToWithdraw.pdf(76470 bytes)

1. Counsel for Applicant, Jackson MacDonald and the law firm BreanLaw LLC,

desire to withdraw from representation of Applicant in the matter of Opposition No. 91222454, filed on June 19, 2015 (the “Opposition”).

2. The request to withdraw is based on 37 CFR §§ 11.116(b)(1) and (b)(7).

Pursuant to 37 CFR §§ 11.116(b)(1), Counsel states that withdrawal can be accomplished without material adverse effect on the interests of the client.

The discovery period remains open until February 24, 2014, leaving Applicant substantial time in which to secure counsel and participate in discovery without material adverse effect of Applicant’s interests.
3. Counsel has notified Applicant of Counsel’s intention to withdraw from representation and has allowed time for Applicant to hire another practitioner if desired. Here, neither party has yet served discovery requests and discovery remains open for enough time to allow Applicant to secure new counsel and participate in discovery.
4. All papers and property that relate to the Opposition and to which the Applicant is entitled have been delivered to the Applicant.
5. There is no part of the fee paid that has not been earned.
6. Attached is proof of service of the request to withdraw upon the Applicant and all other parties to the Opposition.
7. This request to withdraw from representation is not a subterfuge to obtain an extension or reopening of time to which Applicant would not be otherwise entitled.

Dated: October 23, 2015

Respectfully submitted,

/JMD/

Jackson MacDonald
BreanLaw, LLC
P.O. Box 4120
ECM #72065
Portland, Oregon 97208

jackson@breanlaw.com

800-451-5815

Attorneys for Applicant

CERTIFICATE OF SERVICE

Service Upon Applicant:

This is to certify that a copy of this MOTION REQUESTING TO WITHDRAW AS COUNSEL, is being deposited with the U.S. Postal Service on October 23, 2015 by first-class mail, postage prepaid to the address of record in an envelope addressed as follows:

Vita Enrollment Solutions, LLC
7325 Janes Ave
Woodridge, ILLINOIS 60517

Service Upon Other Parties:

This is to certify that a copy of this MOTION REQUESTING TO WITHDRAW AS COUNSEL, is being deposited with the U.S. Postal Service on October 23, 2015 by first-class mail, postage prepaid to the counsel of record in an envelope addressed as follows:

Ellen S. Simpson
Simpson & Simpson PLLC
5555 Main Street
Williamsville, NY 14221

/JMD/
Jackson MacDonald

BreanLaw, LLC
P.O. Box 4120
ECM #72065
Portland, Oregon 97208

jackson@breanlaw.com
800-451-5815

Attorney for Applicant